

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARIA M GONZALEZ,

Plaintiff,

VS.

CHASE HOME FINANCE LLC,

Defendant.

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CIVIL ACTION NO. C-07-479

**ORDER OF REMAND**

Plaintiff Maria Gonzalez filed the above-styled action in Texas state court on November 16, 2007, and Defendant Chase Home Finance, LLC (hereinafter, "Chase") was served on November 21, 2007. (D.E. 1, Notice of Removal). Defendant Chase removed the case to this Court on December 19, 2007, on the basis of diversity jurisdiction. (*Id.*, ¶¶ 6-11). Diversity jurisdiction under 28 U.S.C. § 1332(a) requires: (1) complete diversity of citizenship; and (2) an amount in controversy greater than \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a). In this case, Plaintiff is a citizen of Texas, and Defendant Chase is a citizen of Delaware and New Jersey. (*Id.*, ¶¶ 8, 10). The amount in controversy is addressed below.

The Court held an initial pretrial and scheduling conference in the above-styled action on February 7, 2008. Even though she had previously withdrawn from representation of Plaintiff (D.E. 7), Attorney Deborah Greer announced that she was making an appearance for Plaintiff at this hearing only. At the hearing, Plaintiff Maria Gonzalez confirmed that she would not seek or accept any damages in excess of \$75,000 in this case, including any attorneys' fees that Plaintiff may be eligible to recover from Defendant Chase.<sup>1</sup> Accordingly, the amount in controversy in


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<sup>1</sup>This \$75,000 figure does not include interest and costs, which do not count towards the \$75,000 jurisdictional limit. *See* 28 U.S.C. § 1332(a).

this case does not meet the jurisdictionally required amount of \$75,000. See 28 U.S.C. § 1332(a).<sup>2</sup>

Based on Plaintiff Gonzalez' limitation of damages to a total of \$75,000, the Court hereby REMANDS this case pursuant to 28 U.S.C. § 1447(c) to the 28th Judicial District Court of Nueces County, Texas, where is was originally filed and assigned Cause Number 07-6244-A.

SIGNED and ORDERED this 8th day of February, 2008.

  
Janis Graham Jack  
United States District Judge

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<sup>2</sup>Plaintiff Gonzalez limited her damages to \$75,000 in light of a recent Texas Supreme Court case, LaSalle Bank Nat. Ass'n v. White, 2007 WL 4465716 (Tex. Dec. 21, 2007). As the parties explained at the hearing, a portion of the loan at issue in this case went to pay off a pre-existing lien. Under the analysis in LaSalle Bank, there is a possibility that this portion of the loan may not be subject to forfeiture by Defendant Chase. See id. at \* 1. Accordingly, the amount in controversy is reduced from the total amount of the loan to the amount of the loan that did not pay off a pre-existing lien.